

REQUEST FORM FOR APPLICATION UNDER 37 CFR 1.53(d)



DOCKET NUMBER: **2038-224A**
 Prior Application: **09/259,687**
 Art Unit: **3761**
 Examiner: **K. Reichle**

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

031431 U.S. PTO
10/758424



Sir:

This is a Request for filing a Divisional application under 37 CFR 1.53(d) of pending prior *U.S. Patent Application No. 09/259,687, filed on March 1, 1999*, entitled **DISPOSABLE DIAPER HAVING MECHANICAL FASTENER**, by the following named inventor(s): **Hironao MINATO**.

1. I hereby state that the enclosed copy of this prior application is a true copy of the above-identified prior application.
2. Oath or Declaration
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d))
 - i. Deletion of inventor(s)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
3. Incorporation By Reference (useable if Box 2b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 2b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference
4. Preliminary Amendment is enclosed.
5. An Information Disclosure Statement and PTO1449 Form are submitted herewith.
6. Cancel claims: *See Preliminary Amendment.*

7a. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 6 above:

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Total Claims	9	MINUS 20	0	x \$18 =	\$0
Independent Claims	3	MINUS 3	0	x \$86 =	\$0
Basic Application Fee					\$770.00
If multiple dependent claims are presented, add \$290.00					n/a
Total Application Fee					\$770.00
Subtract 1/2 if small entity					n/a
TOTAL APPLICATION FEE DUE					\$770.00

CREDIT CARD AUTH. FORM

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CHARGED TO DEPOSIT ACCOUNT NO. 07-1337

- ✓ 7b. [] Applicant is entitled to small entity status under 37 CFR 1.9 and 37 CFR 1.27.
8. [X] The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required, including any extension of time fees to maintain the pendency of the parent application Serial No. 09/259,687 or credit any overpayment to Deposit Account No. 07-1337.
9. [X] Amend the specification by inserting before the first line the sentence:
--*This application is a divisional of U.S. Patent Application No. 09/259,687 filed March 1, 1999.*--
10. [X] Priority of Japanese Application No. 10-56538 filed on March 9, 1998 is claimed under 35 USC 119. The certified priority document(s) were filed in Serial No. 09/259,687 on March 1, 1999, and has been acknowledged in the USPTO.
11. [X] The prior application is assigned of record to: *Uni-Charm Corporation*. The Assignment has been recorded at Reel 012007, Frame 0328.
12. [X] The power of attorney in the prior application is to: **LOWE HAUPTMAN GILMAN & BERNER, LLP.**
13. [X] Also Attached: -Replacement Sheet of Drawing
-Annotated Sheet of Drawing
-Substitute Specification
-Marked up version of Specification

Address all future communications to:

LOWE HAUPTMAN GILMAN & BERNER, LLP
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Alexandria, Virginia 22314

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP



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Date: January 16, 2004